

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

LEWIS Y. LIU

Case No.: 1:24-cv-812

Plaintiff,

COMPLAINT

-against-

Carl E. Heastie, William A. Barclay
Andrea Stewart-Cousins, and Robert G. Ort

Defendants

COMES NOW Plaintiff in the above styled action and respectfully shows this Honorable Court as follows:

THE PARTIES

1. That Plaintiff is a naturalized American citizen, and a registered Republican voter in the State of New York.
2. Defendant Carl E. Heastie, the Speaker of the New York State Assembly.
Offices: LOB 932, Albany, NY 12248 | 1446 East Gun Hill Road, Bronx, NY 10469
3. Defendant William A. Barclay, the Minority Leader of the New York State Assembly.
Offices: LOB 933, Albany, NY 12248 | 19 Canalview Mall, Fulton, NY 13069
4. Defendant Andrea Stewart-Cousins, the Majority Leader of the New York State Senate.
Offices: 188 State Street, LOB 907, Albany, NY 12247 | 250 Broadway, Room 1930, New York, NY 10007
5. Defendant Robert G. Ort, the Minority Leader of the New York State Senate.
Offices: Capitol Building, Room 315, Albany, NY 12247 | 175 Walnut Street, Suite 6, Lockport, NY 14094

THE COMPLAINT

The State of New York (NYS) has long adopted the Winner-Take-All (**WTA**) method that allocates NYS all electoral votes only to the winner of popular votes within the NYS. Since the NYS has consistently voted for Democratic candidates in presidential elections since 1984, Plaintiff's vote will almost certainly be debased to zero value in the upcoming 2024 Election, hence Plaintiff's voting right will be violated under Amend. XIV and other constitutional provisions.

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III. CONSTITUTIONAL PROVISIONS AND STATUTES INVOLVED

Constitutional Provisions

1. U.S. Const. Article II, Section 1, Paragraph 2 states:

Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress: but no Senator or Representative, or Person holding an Office of Trust or Profit under the United States, shall be appointed an Elector.

2. U.S. Const. Amend. I states:

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech.

3. U.S. Const. Amend. XIV, Section 1 states:

No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

4. U.S. Const. Amend. XIV, Section 2 states:

But when the right to vote at any election for the choice of electors for President and Vice-President of the United States, Representatives in Congress, the Executive and Judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

Statutes – State of New York Election Law

ARTICLE 12—PRESIDENTIAL ELECTORS AND FEDERAL ELECTED OFFICERS

TITLE I—PRESIDENTIAL AND VICE PRESIDENTIAL ELECTORS

Section

12–100. Electors of president and vice president.

12–102. Lists of electors; state board of elections to furnish.

12–104. Electoral college; meeting and organization.

12–106. Electoral college; vote of the electors.

12–108. Electoral college; certificate of vote, how distributed.

12–110. Electors; compensation.

1. Section 12-100 Electors of president and vice president

At the general election in November preceding the time fixed by law of the United States for the choice of president and vice president of the United States, as many electors of president and vice president of the United States shall be elected, as this state shall be entitled to. Each vote cast for the candidates of any party or independent body for president and vice president of the United States and each vote cast for any write-in candidates for such offices shall be deemed to be cast for the candidates for elector of such party or independent body or the candidates for elector named in the certificate of candidacy of such write-in candidates.

2. Section 12-102 Lists of electors; state board of elections to furnish

The state board of elections shall prepare seven lists, containing both the names of the persons who were elected as electors and a canvass of the votes cast for each candidate for elector, together with a certificate of determination thereon by the state board of canvassers; procure to the same the signature of the governor; cause to be affixed thereto the seal of the state, and in behalf of the governor, send one copy of such certified list to the administrator of general services of the United States by registered mail and deliver the six other copies thus signed and sealed to the president of the college of electors immediately after his election.

3. Section 12–104 Electoral college; meeting and organization

The electors shall convene at the state capitol upon notice from, and at a place fixed by the secretary of state on the first Monday after the second Wednesday in December next following their election. Those of them who shall be assembled at twelve o'clock noon of that day shall immediately at that hour fill, by majority vote, all vacancies in the electoral college occasioned by the death, refusal to serve, or neglect to attend at that hour, of any elector, or any vacancies occasioned by an equal number of votes having been given for two or more candidates. The electoral college being thus completed, they shall then choose a president and one or more secretaries from their own body.

4. Section 12–106 Electoral college; vote of the electors

Immediately after the organization of the electoral college, the electors shall then and there vote by ballot for president and vice president, but no elector shall vote for more than one person who is a resident of this state. They shall name in separate ballots the persons voted for as president and vice president. They shall make and sign six certificates of all the votes given by them, each of which certificates shall contain two distinct lists, one with the votes for president and one with the votes for vice president. There shall be annexed to each of the certificates one of the lists of electors which shall have been furnished to them by the state board of elections. They shall seal up the certificates so made and certify upon each that the lists of all the votes of this state given for president and vice president are contained therein.

5. Section 12–108 Electoral college; certificate of vote, how distributed

The president of the electoral college shall distribute certificates so made with the lists attached thereto in the following manner:

- 1) Forthwith, and before the fourth Wednesday in the said month of December, forward one certificate to the president of the United States senate at the seat of the federal government by registered mail.*
- 2) Forthwith, and before the fourth Wednesday in the said month of December deliver two certificates to the state board of elections, one of which shall be held by it subject to the order of the president of the United States senate and the other shall be preserved for one year and shall be a part of the public records of the board and be open to public inspection.*
- 3) On the following day forward two certificates to the administrator of general services at the seat of the federal government by registered mail.*
- 4) Forthwith, and before the fourth Wednesday in the said month of December, deliver the other certificates to the chief judge of the United States District Court of the northern district of the state of New York.*

6. Section 12–110 Electors; Compensation

Every elector of the state who shall attend at any meeting of the electoral college and give his vote at the time and place appointed by law, shall be entitled to receive for his attendance at such election, the sum of fifteen dollars per day, together with thirteen cents per mile each way from his place of residence by the most usual traveled route, to the place of meeting of such electors, to be audited by the comptroller upon the certificate of the secretary of state.

IV. STATEMENT OF FACTS

1. The Root Cause of American Revolution: “Taxation without Representation”

The Resolutions of the Continental Congress October 19, 1765, declared:

“That it is inseparably essential to the freedom of a people, and the undoubted right of Englishmen, that no taxes be imposed on them, but with their own consent, given personally, or by their representatives.”

2. Declaration of Independence

The Declaration of Independence essentially established four founding principles:

- 1) Equality: *We hold these truths to be self-evident, that all men are created equal.*
- 2) Unalienable Rights: *that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.*
- 3) Republic: *That to secure these rights, Governments are instituted among Men.*
- 4) Democracy: *deriving their just powers from the consent of the governed.*

3. The 1824 Election is most famous for the “corrupt bargain,” a deal in the House of Representatives that gave John Quincy Adams the presidency despite his winning fewer popular and electoral votes than Andrew Jackson. But 1824 was also significant for another reason: it was the first election in which the majority of states used a statewide WTA method for choosing their presidential electors.
4. Today, 48 of the 50 states adopted the WTA method, only Maine and Nebraska adopted the Congressional District method.
5. In the 2020 Election, Biden took all 29 electoral votes by receiving 5,244,886 (60.9%) out of a total of 8,616,851 votes counted in the NYS. This means 39.1% of votes were totally discarded to zero value. (Exhibit A)
6. In the 2020 Election, nationwide, a total of 158,429,631 votes were counted, 77,146,130 votes or 48.7% were completely discarded to zero value. (Exhibit A)

7. In the 2016 Election, Clinton took all 29 electoral votes by receiving 4,556,124 (59.0%) out of a total of 7,721,453 votes counted in the NYS. This means 41.0% of votes were totally discarded to zero value. (Exhibit B)
8. In the 2016 Election, nationwide, a total of 136,669,237 votes were counted, 70,815,721 votes or 51.8% were completely discarded to zero value. (Exhibit B)
9. The NYS collectively has voted for the Democratic candidates in every presidential election since 1984. The 1980 Election was the last time the NYS voted for a Republican candidate.

V. THE FOUR LANDMARK DECISIONS BY THE SUPREME COURT

1. In ***Baker v. Carr*** 369 U.S. 186 (1962), the Supreme Court (1) overturned the District Court's dismissal, (2) affirmed the plaintiffs' standing to challenge the existing unfair apportionment for state assembly districts, (3) declared the Court possessed jurisdiction of the subject matter, and (4) the district court is expected to "*fashion relief if violations of constitutional rights are found*". Writing for the Court, Justice William J. Brennan Jr. declared:
 - 1) *The District Court had jurisdiction of the subject matter of the federal constitutional claim asserted in the complaint.*
 - 2) *Appellants had standing to maintain this suit.*
 - 3) *The complaint's allegations of a denial of equal protection presented a justiciable constitutional cause of action upon which appellants are entitled to a trial and a decision.*

*These plaintiffs and others similarly situated, are **denied the equal protection of the laws** accorded them by the Fourteenth Amendment to the Constitution of the United States by virtue of the debasement of their votes," was dismissed by a three-judge court ... We hold that the dismissal was error, and remand the cause to the District Court for trial and further proceedings consistent with this opinion.*

*Since the complaint plainly sets forth a case arising under the Constitution, the subject matter is **within the federal judicial power defined in Art. III, 2.***

An unbroken line of our precedents sustains the federal courts' jurisdiction of the subject matter of federal constitutional claims of this nature.

***A citizen's right to a vote free of arbitrary impairment by state action** has been judicially recognized as a right secured by the Constitution...*

*They are entitled to a hearing and to the District Court's decision on their claims. "The very essence of civil liberty certainly consists in the right of every individual to claim the protection of the laws, whenever he receives an injury." **Marbury v. Madison.***

*We conclude that the complaint's allegations of a denial of equal protection present a justiciable constitutional cause of action upon which appellants are entitled to a trial and a decision. **The right asserted is within the reach of judicial protection under the Fourteenth Amendment.***

2. In **Reynolds v. Sims** 377 U.S. 533 (1964), the Supreme Court agreed with the District Court's decision and affirmed (1) the right to vote is the fundamental right protected by the Constitution, (2) weighting votes differently based on residence is not justifiable, and (3) population must be the "controlling criterion" in redistricting to ensure all districts "as nearly equal to each other" in population. Writing for the Court, Chief Justice Earl Warren declared:

- 1) *The right of suffrage is denied by debasement or dilution of a citizen's vote in a state or federal election.*
- 2) *Under the Equal Protection Clause, a claim of debasement of the right to vote through malapportionment presents a justiciable controversy, and the Equal Protection Clause provides manageable standards for lower courts to determine the constitutionality of a state legislative apportionment scheme.*
- 3) *The Equal Protection Clause requires substantially equal legislative representation for all citizens in a State regardless of where they reside.*

*Undoubtedly, **the right of suffrage is a fundamental matter** in a free and democratic society. Especially the right to exercise **franchise in a free and unimpaired manner** is preservative of other basic civil and political rights, any alleged infringement of the right of citizens to vote must be carefully and meticulously scrutinized.*

***Weighting the votes** of citizens differently, by any method or means, merely because of where they happen to reside, hardly seems justifiable.*

*To the extent that a citizen's right to vote is debased, he is that much less a citizen. The fact that an individual lives here or there is not a legitimate reason for **overweighting or diluting** the efficacy of his vote.*

*The Equal Protection Clause demands no less than **substantially equal** state legislative representation for **all citizens**, of **all places** as well as of **all races**.*

3. In **Wesberry v. Sanders** (1964) the Supreme Court (1) overturned the District Court's dismissal for non-justiciability and want of equity, (2) recounted the history of the Great Compromise by our founding fathers who demanded equal representation in the House based on population, (3) reaffirmed the right to vote is the fundamental right protected

by the Constitution and judicial review, (4) rejected one vote being worth more in one district than in another district, and (5) insisted mathematical precision cannot be the excuse for ignoring the Constitution's demand for equal representation in the House of Representatives. Writing for the Court, Justice Black declared:

- 1) *As in Baker v. Carr, which involved alleged malapportionment of seats in a state legislature, the District Court had jurisdiction of the subject matter; **appellants had standing to sue, and they had stated a justiciable cause of action on which relief could be granted.***
- 2) *A complaint alleging **debasement of the right to vote as a result of a state congressional apportionment law is not subject to dismissal** for "want of equity" as raising a wholly "political" question.*
- 3) *The constitutional requirement in Art. I, § 2, that Representatives be chosen "by the People of the several States" means that, as nearly as is practicable, **one person's vote in a congressional election is to be worth as much as another's.***

***No right is more precious** in a free country than that of having a voice in the election of those who make the laws under which, as good citizens, we must live. Other rights, even the most basic, are illusory if the right to vote is undermined.*

*We agree with Judge Tuttle that, in debasing the **weight of appellants' votes**, the State has **abridged** the right to vote for members of Congress guaranteed them by the United States Constitution, that the District Court should have entered **a declaratory judgment** to that effect, and that it was therefore **error to dismiss** this suit.*

***The right to vote is too important** in our free society to be stripped of **judicial protection** by such an interpretation of Article I. This dismissal can no more be justified on the ground of "want of equity" than on the ground of "nonjusticiability." We therefore hold **that the District Court erred in dismissing** the complaint.*

4. In **Bush v. Gore**, 531 U.S. 98 (2000) the Supreme Court reaffirmed the constitutional principle that equal weight must be accorded to each vote, and equal dignity of each voter must be respected under the Equal Protection Clause:

*"... one source of its fundamental nature lies in the **equal weight** accorded to **each vote** and the **equal dignity** owed to **each voter**... It must be remembered that **"the right of suffrage can be denied by a debasement or dilution of the weight of a citizen's vote just as effectively as by wholly prohibiting the free exercise of the franchise."***

VI. SUMMARY OF THE ARGUMENTS

1. No Textual Provision in the Constitution

U.S. Const. Article II, Section 1, Paragraph 2 states “Each State shall appoint, in such Manner as the Legislature thereof may direct...” The key word here is “Manner”. According to Merriam-Webster Dictionary, the synonyms and similar words include *etiquette, demeanor, attitude, form, posture, mode, style, protocol, decorum, custom, convention, way, pattern, fashion, practice, poise, kind, type, sort, genre, breed*, and so on. Please note that “value” is not included in this list because “Manner” does not equate to “Value”. If one truly follows the originalism and textualism, one will find no textual provision anywhere in the Constitution that supports the WTA method.

2. No Textual Provision in the State Election Law

Review of the NYS election law shows the entire Article XII describes the Manner, and never actually states that the votes for the non-winning candidates are to be reduced to zero value. Again, there is no text anywhere in the NYS election law that defines the WTA method.

3. Brazen Disenfranchisement

The WTA method allocates all electoral votes to only the candidate who receives the most popular votes in each of the 48 states, and each of the five congressional districts in Maine (2) and Nebraska (3), effectively disenfranchising tens of millions of voters who voted for the other candidates. Under the WTA method, over 70 million or 51.8% of the votes in 2016 and over 77 million or 48.7% of the votes in 2020 were debased to zero as if these millions of votes were thrown into waste or as if these millions of voters had never voted. (Exhibit A and Exhibit B)

4. Taxation without Representation

The presidency is the only national office that represents all Americans. By depriving tens of millions of voters’ vote for the non-winning candidates 1812, the WTA method tantamounted to taxation without representation in presidential elections given the root cause of the American revolution.

5. It is Utterly Un-American

The Declaration of Independence essentially established four founding principles:

- 1) Equality: *all men are created equal.*
- 2) Unalienable Rights: *among these are Life, Liberty and the pursuit of Happiness.*
- 3) Republic: *Governments are instituted among Men.*
- 4) Democracy: *deriving their just powers from the consent of the governed.*

Every vote represents a voter’s dignity and freedom of choice, i.e. Life and Liberty. When a voter’s vote is being debasing to zero value, not even worth of the paper it is printed on, he/she is certainly not treated equally, his/her liberty is taken away, he/she is not being represented in the Government (presidency), and his/her consent is completely

discarded into waste. The WTA method is utterly un-American because it has grossly contradicted all these four founding principle. If these founding principles really hold truth, every vote must be equally counted and equally weighted in every election.

6. It is Utterly Undemocratic

The WTA method is utterly undemocratic. The presidency is the only national office that represents the entire country and receives its legitimacy and mandate from all voters according to the aforementioned founding principles. Furthermore, the Preamble of the Constitution starts with “*We the People*”.

In [McCulloch v. Maryland](#) Chief Justice John Marshall declared “*The Government of the Union is emphatically and truly, a Government of the people. In form and in substance, it emanates from them. Its powers are granted by them, and are to be exercised directly on them, and for their benefit.*”

7. Violation of Freedom of Speech

The WTA method has violated the freedom of speech guaranteed by the First Amendment. Every eligible citizen’s vote represents his/her most sacred speech and solemn choice in the most important election once every four years in America. Tens of millions of voters’ first amendment rights were completely deprived of when their votes are reduced to zero value in determining the presidential elections’ outcome.

8. Violation of the Due Process Clause

The WTA method has violated the Due Process Clause in Amend. XIV which demands “nor shall any State deprive any person of life, liberty, or property, without due process of law.” There is neither textual provision in the Constitution nor the State’s election law to support the WTA method. The New York State’s election law Article XII does not even explain how the electors are allocated.

At the very least, the four named Defendants shall present to all NYS voters the legislative records (hearings, debates, floor speeches, justifications, and votes) that has established the WTA method.

9. Violation of the Equal Protection Clause

The WTA method has violated the Equal Protection Clause in Amend. XIV which demands “nor shall any State ... nor deny to any person within its jurisdiction the equal protection of the laws.” Every voter in the NYS shall be protected by the election law with equal value/weight in determining the allocation of the NYS electoral votes.

10. Violation of the Right to Vote Clause

Amend. XIV demands “the right to vote at any election for **the choice of electors for President and Vice-President of the United States** ... shall not be denied or infringed.” The WTA method has clearly denied or infringed the Right to Vote Clause by reducing tens of millions of votes to zero value. Every voter shall have equal value/weight in determining the allocation of the electoral votes in presidential elections.

11. Violation of the “One Person One Vote” Principle Affirmed by the Supreme Court

The Right to Vote is the quintessence of being a free person with unalienable rights to Life, Liberty and the pursuit of Happiness according to the Declaration of Independence. On March 15, 1965, President Lyndon B. Johnson addressed a joint session of Congress to urge the passage of legislation guaranteeing voting rights for all. Using the phrase “we shall overcome,” borrowed from African American leaders struggling for equal rights, Johnson declares that “every American citizen must have an equal right to vote.”

The four landmark cases decided by the Supreme Court repeatedly affirmed the constitutional principle of “One Person One Vote.” Declaring equal weight and equal dignity for every vote in presidential elections, the ***Bush v. Gore*** decision was especially relevant to this case.

12. It Has Suppressed Voter Participation

Voter turnout in the United States has long been low compared to other developed countries. According to [the Council on Foreign Relations’ report dated August 24, 2022](#), turnout in the United States is below average among members of the Organization for Economic Cooperation and Development (OECD), a grouping of mostly high-income countries. Turnout in the 2020 U.S. national elections was 62 percent, three points below the OECD average of 65 percent. According to [Statista.com](#), the voter turnout in the presidential elections in France between 1965 and 2022 ranged between 69% to 87%.

Among all developed democracy, the United States is the only country that employs such highly voter suppressing method in presidential elections. Thanks to the WTA, Democratic voters in solid red states and Republic voters in solid blue states know very well that their votes will end up being debasing to zero value, resulting in widespread voter apathy, i.e. feeling voiceless in the most important and the only national election in America. Effectively, the WTA has told these voters that their votes are worthless, and it is simply waste of time and effort to go to the polling stations and vote.

13. In summary, the WTA method has no textual provision anywhere in the Constitution or in the NYS election law. Since 1824 the WTA method has brazenly disenfranchised hundreds of millions of voters by debasing their votes to zero value, making their right to vote worthless and meaningless. The WTA method has not only violated multiple constitutional principles and provisions, but also betrayed all four founding principles enshrined in the Declaration of Independence. Therefore, the WTA method is utterly un-American, undemocratic, unjust and unconstitutional.

For the right to vote to be truly meaningful and our democracy to be truly legitimate, fair and just, every vote must be counted and weighted equally in determining presidential elections’ result, no single vote should be debased to zero value in the most important and the only national elections in our country.

VII. PLAINTIFF HAS THE STANDING

1. The NYS has always voted for the Democratic candidates since 1984. Therefore, in the upcoming 2024 Election, as a registered Republican voter, Plaintiff's vote will almost certainly be discarded, rendered to be worthless in determining the election's final result.
2. **Injury in Fact:** when a voter's vote is properly cast and counted, then is reduced to zero value as if it were discarded in a trash can, this constitutes the worst form of Injury in Fact for a voter.
3. **Causation:** by adopting the WTA method, the NYS and the other 47 states have thrown away hundreds of millions of votes into trash since the 1824 Elections. The WTA method is the direct cause of such gross violation of voting right.
4. **Redressability:** Plaintiff will propose and explain a simple straight forward and no-extra cost solution to the WTA problem in the next section.
5. The aforementioned four landmark cases by the Supreme Court time and again affirmed (1) the constitutional principle of "one person one vote" and every vote must be treated with equal dignity and equal weight in determining the final outcome of all elections including presidential elections; (2) infringement of voting right by the states violates the Equal Protection clause in the Fourteenth Amendment; (3) the plaintiffs whose right to vote was debased have the standing to sue, and (4) such violation of fundamental right is well within the Court's judicial review.

VIII. PROPOSED REMEDY

The proposed remedy includes two steps.

1. First, the Court shall declare the WTA method unconstitutional and enjoin all states and District of Columbia (D.C.) from continuing such method in all future presidential elections, starting with the 2024 Election.
2. Secondly, all states and D.C. shall adopt a new method to allocate their electoral votes. The simple straightforward solution is in fact already defined in the Constitution: equal proportional representation for the House of Representatives. Following the same constitutional principle, each of the 50 states and D.C. shall allocate its electoral votes to the top two presidential candidates based on the percentage of popular votes they receive respectively.
3. For example, the proportional method would have worked in the 2020 Election as follows for the NYS by solving two linear equations of two variables:

- a. Biden received 60.87% of the popular votes, hence X electoral votes (EV), Trump received 37.74% of the popular votes, hence Y EVs:
 - b. Equation #1: $X + Y = 29$ electoral votes $\Rightarrow Y = 29 - X$.
 - c. Equation #2: $X / Y = 60.87\% / 37.74\% \Rightarrow X / (29 - X) = 60.87\% / 37.74\%$.
 - d. Solve $X = 17.90$, hence Biden shall receive 17 full EVs, and one partial EV of 0.9.
 - e. Solve $Y = 11.10$, hence Trump shall receive 11 full EVs, and one partial EV of 0.1.
 - f. This means, the NYS would have 17 Democratic electors for Biden, 11 Republican electors for Trump, and one non-partisan elector who would cast 0.9 EV for Biden and 0.1 EV for Trump, adding to still a total of 29 electoral votes.
 - g. Repeat the same calculation and allocation for the other 49 states and D.C.
 - h. Biden would have received a total of 281.2 EVs, Trump 256.8 EVs, adding to a total of 538 EVs. (Appendix C)
4. The above proportional method employs simple arithmetic, imposes no extra costs, and most importantly counts and weights every vote transparently and fairly, thereby resulting in the rightful and legitimate president-elect who is truly chosen by “*We the People*” with indisputable “*The Consent of the Governed*”.
 5. Under the proportional method, every voter knows his/her vote will go all the way in determining the final outcome of all future presidential elections. Therefore, every voter in all 50 states and D.C., whether blue or red, will have a much stronger sense of citizenry duty to participate in the most important and only national elections in the country.

IX. CONCLUSION

1. Plaintiff respectfully appeals to the Court to issue a declaratory judgment that the WTA method is unconstitutional so that Plaintiff and tens of millions of voters will never again be disenfranchised by the WTA method in presidential elections.
2. The Defendants are the leaders of State Assembly and State Senate and have the constitutional duties and obligations to pass / update the state’s election laws to ensure all voters’ vote counted and weighted equally towards all future presidential elections’ results. Should Defendants choose not to do the right thing, the Court shall recall what Justice Kennedy declared in ***Obergefell v. Hodges***, 576 U.S. 644 (2015):

*When the rights of persons are violated, **the Constitution requires redress by the courts** ... and individual can invoke a right to constitutional protection when he or she is harmed ... **even if the legislature refuses to act.***

3. The founding principles in the Declaration of Independence and multiple provisions in the Constitution have been severely undermined by the WTA method. “One Person One

Vote” is meaningless unless “Every Vote is Equally Weighted” in determining every election’s final outcome.

4. America has long proudly called itself a democracy. However, the indisputable fact is that since 1824 hundreds of millions of votes have been brazenly debased to worthless and meaningless in every presidential election. In a true democracy, every vote must be counted and weighted equally towards every presidential election’s final outcome, no vote may be debased to zero value in the electoral process.
5. The two questions at hand for the Court and all Americans are:
 - a. Do the words in **the Declaration of Independence**, the texts in **the Constitution**, and President Lincoln’s declaration of “***Government of the people, by the people, for the people***” still mean anything at all?
 - b. Whether we can look into the mirror and honestly call ourselves a true democracy without any sense of self-deception, shame or hypocrisy?
6. **Otherwise, let’s all be honest and declare once for all that the United States of America is not a true democracy.**
7. It has been exactly 200 years since the WTA method was adopted in the 1824 Election. It is long overdue to make EVERY VOTE COUNTED and WEIGHTED EQUALLY towards the presidential elections’ results according to the Fourteenth Amendment and other constitutional provisions and America’s founding principles. **Abolishing the WTA immediately is not only the right thing to do, but also required by the Declaration of Independence and demanded by the United States Constitution.**

Date: February 4, 2024

Respectfully submitted,

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Appendix A

Source:	https://en.wikipedia.org/wiki/2020_United_States_presidential_election																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																											
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Appendix B

Source:		https://en.wikipedia.org/wiki/2016_United_States_presidential_election																													
2016 Election Results by State - Electoral Votes Allocated by the Winner-Take-All Method																															
State or District	Hillary Clinton Democratic				Donald Trump Republican				Gary Johnson Libertarian				Jill Stein Green				Evan McMullin Independent				Others				Margin						
State or District	Votes	%	EV		Votes	%	EV		Votes	%	EV		Votes	%	EV		Votes	%	EV		Votes	%	EV		Votes	%	Total Votes	Votes Discarded	Votes Discarded		
Alabama	729,547	34.36%	-		1,318,255	62.08%	9		44,467	2.09%	-		9,391	0.44%	-		21,712	1.02%	-		588,708	27.73%	-		2,123,372		805,117		37.9%		
Alaska	116,454	36.55%	-		163,387	51.28%	3		18,725	5.88%	-		5,735	1.80%	-		14,307	4.49%	-		46,933	14.73%	-		318,608		155,221		48.7%		
Arizona*	1,161,167	44.58%	-		1,252,401	48.08%	11		106,327	4.08%	-		34,345	1.32%	-		17,449	0.67%	-		91,234	3.50%	-		2,604,657		1,352,256		51.9%		
Arkansas	380,494	33.65%	-		684,872	60.57%	6		29,949	2.64%	-		9,473	0.84%	-		13,176	1.17%	-		304,378	26.92%	-		1,130,676		445,804		39.4%		
California	8,753,788	61.73%	55		4,483,810	31.62%	-		478,500	3.37%	-		278,657	1.96%	-		39,596	0.28%	-		147,244	1.04%	-		-4,269,978	-30.11%	14,181,595		5,427,807		38.3%
Colorado	1,338,870	48.16%	9		1,202,484	43.25%	-		144,121	5.18%	-		38,437	1.38%	-		28,917	1.04%	-		27,418	0.99%	-		-136,386	-4.91%	2,780,247		1,441,377		51.8%
Connecticut	897,572	54.57%	7		673,215	40.93%	-		48,676	2.96%	-		22,841	1.39%	-		2,108	0.13%	-		508	0.03%	-		-224,357	-13.64%	1,644,920		747,348		45.4%
Delaware	235,603	53.09%	3		185,127	41.72%	-		14,757	3.32%	-		6,103	1.37%	-		706	0.16%	-		1,518	0.34%	-		-50,476	-11.37%	443,814		208,211		46.9%
D.C.	282,830	90.86%	3		12,723	4.09%	-		4,906	1.57%	-		4,258	1.36%	-		-	-	-		6,551	2.52%	-		-270,107	-86.77%	311,268		28,438		9.1%
Florida	4,504,975	47.82%	-		4,617,886	49.02%	29		207,043	2.20%	-		64,399	0.68%	-		-	-	-		25,736	0.28%	-		112,911	1.20%	9,420,039		4,802,153		51.0%
Georgia	1,877,963	45.64%	-		2,089,104	50.77%	16		125,306	3.05%	-		7,674	0.19%	-		13,017	0.32%	-		1,668	0.04%	-		211,141	5.13%	4,114,732		2,025,628		49.2%
Hawaii	266,891	62.22%	4		128,847	30.03%	-		15,954	3.72%	-		12,737	2.97%	-		-	-	-		4,508	1.05%	-		-138,044	-32.18%	428,937		162,046		37.8%
Idaho	189,765	27.49%	-		409,055	59.26%	4		28,331	4.10%	-		8,496	1.23%	-		46,476	6.73%	-		8,132	1.18%	-		219,290	31.77%	690,255		281,200		40.7%
Illinois	3,090,729	55.83%	20		2,146,015	38.76%	-		209,596	3.79%	-		76,802	1.39%	-		11,655	0.21%	-		1,627	0.03%	-		-944,714	-17.06%	5,536,424		2,445,695		44.2%
Indiana	1,033,126	37.91%	-		1,557,286	56.82%	11		133,993	4.89%	-		7,841	0.27%	-		-	-	-		2,712	0.10%	-		524,160	19.17%	2,734,958		1,177,672		43.1%
Iowa	653,669	41.74%	-		800,983	51.15%	6		59,186	3.78%	-		11,479	0.73%	-		12,366	0.79%	-		28,348	1.81%	-		147,314	9.41%	1,566,031		765,048		48.9%
Kansas	427,005	36.05%	-		671,018	56.65%	6		55,406	4.68%	-		23,506	1.98%	-		6,520	0.55%	-		947	0.08%	-		244,013	20.60%	1,184,402		513,384		43.3%
Kentucky	628,854	32.68%	-		1,202,971	62.52%	8		53,752	2.79%	-		13,913	0.72%	-		22,780	1.18%	-		1,879	0.10%	-		574,177	29.84%	1,924,149		721,178		37.5%
Louisiana	780,154	38.45%	-		1,178,638	58.09%	8		37,978	1.87%	-		14,031	0.69%	-		8,547	0.42%	-		9,684	0.48%	-		398,484	19.64%	2,029,032		850,394		41.9%
Maine†	357,735	47.83%	2		335,593	44.87%	-		38,105	5.09%	-		14,251	1.91%	-		1,887	0.25%	-		356	0.05%	-		-22,142	-2.96%	747,927		390,192		52.2%
Maine-1	212,774	53.96%	1		154,384	39.15%	-		18,592	4.71%	-		7,563	1.92%	-		807	0.20%	-		209	0.05%	-		-58,390	-14.81%	394,329		181,555		46.0%
Maine-2	144,817	40.98%	-		181,177	51.26%	1		19,510	5.52%	-		6,685	1.89%	-		1,080	0.31%	-		147	0.04%	-		36,360	10.29%	353,416		172,239		48.7%
Maryland	1,677,928	60.33%	10		943,169	33.91%	-		79,605	2.86%	-		35,945	1.29%	-		9,630	0.35%	-		35,169	1.26%	-		-734,759	-26.42%	2,781,446		1,103,518		39.7%
Massachusetts	1,995,196	60.01%	11		1,090,893	32.81%	-		138,018	4.15%	-		47,661	1.43%	-		2,719	0.08%	-		50,559	1.52%	-		-904,303	-27.20%	3,325,046		1,329,850		40.0%
Michigan	2,268,839	47.27%	-		2,279,543	47.50%	16		172,136	3.59%	-		51,463	1.07%	-		8,177	0.17%	-		19,126	0.40%	-		10,704	0.23%	4,799,284		2,519,741		52.5%
Minnesota	1,367,716	46.44%	10		1,322,951	44.92%	-		112,972	3.84%	-		36,985	1.26%	-		53,076	1.80%	-		51,113	1.74%	-		-44,765	-1.52%	2,944,813		1,577,097		53.6%
Mississippi	485,131	40.06%	-		700,714	57.86%	6		14,435	1.19%	-		3,731	0.31%	-		-	-	-		5,346	0.44%	-		215,583	17.83%	1,209,357		508,643		42.1%
Missouri	1,071,068	38.14%	-		1,594,511	56.77%	10		97,359	3.47%	-		25,419	0.91%	-		7,071	0.25%	-		13,177	0.47%	-		523,443	18.64%	2,808,605		1,214,094		43.2%
Montana	177,709	35.75%	-		279,240	56.17%	3		28,037	5.64%	-		7,970	1.60%	-		2,297	0.46%	-		1,894	0.38%	-		101,531	20.42%	497,147		217,907		43.8%
Nebraska†	284,494	33.70%	-		495,961	58.75%	2		38,946	4.61%	-		8,775	1.04%	-		-	-	-		16,051	1.90%	-		211,467	25.05%	844,227		348,266		41.3%
Nebraska-1	100,132	35.46%	-		158,642	56.18%	1		14,033	4.97%	-		3,374	1.19%	-		-	-	-		6,181	2.19%	-		58,500	20.72%	282,338		123,696		43.8%
Nebraska-2	131,030	44.92%	-		137,564	47.16%	1		13,245	4.54%	-		3,347	1.15%	-		-	-	-		6,494	2.23%	-		6,534	2.24%	291,680		154,116		52.8%
Nebraska-3	53,332	19.73%	-		199,755	73.92%	1		11,668	4.32%	-		2,054	0.76%	-		-	-	-		3,451	1.28%	-		146,367	54.19%	270,109		70,354		26.0%
Nevada	539,260	47.92%	6		512,058	45.50%	-		37,384	3.29%	-		-	-	-		-	-	-		36,683	3.23%	-		-27,202	-2.42%	1,125,385		586,125		52.1%
New Hampshire	348,526	46.98%	4		345,790	46.61%	-		30,777	4.15%	-		6,496	0.88%	-		1,064	0.14%	-		11,643	1.24%	-		-2,736	-0.37%	744,296		395,770		53.2%
New Jersey	2,148,278	55.45%	14		1,601,933	41.35%	-		72,477	1.87%	-		37,772	0.98%	-		-	-	-		13,586	0.35%	-		-546,345	-14.10%	3,874,046		1,725,768		44.5%
New Mexico	385,234	48.26%	5		319,667	40.04%	-		74,541	9.34%	-		9,879	1.24%	-		5,825	0.73%	-		3,173	0.40%	-		-65,567	-8.21%	798,319		413,085		51.7%
New York	4,556,124	59.01%	29		2,819,534	36.52%	-		176,598	2.29%	-		107,934	1.40%	-		10,373	0.13%	-		50,890	0.66%	-		-1,736,590	-22.49%	7,721,453		3,165,329		41.0%
North Carolina	2,189,316	46.17%	-		2,362,631	49.83%	15		130,126	2.74%	-		12,105	0.26%	-		-	-	-		47,386	1.00%	-		173,315	3.66%	4,741,564		2,378,933		50.2%
North Dakota	93,758	27.23%	-		216,794	62.96%	3		21,434	6.22%	-		3,780	1.10%	-		-	-	-		8,594	2.49%	-		123,036	35.73%	344,360		127,566		37.0%
Ohio	2,394,164	43.56%	-		2,841,005	51.69%	18		174,498	3.17%	-		46,271	0.84%	-		12,574	0.23%	-		27,975	0.51%	-		446,841	8.13%	5,496,487		2,655,482		48.3%
Oklahoma	420,375																														

Appendix C

Source:	https://en.wikipedia.org/wiki/2020_United_States_presidential_election										
2020 Election Results by State - Electoral Votes Allocated by the Proportional Method											
	Biden/Harris			Trump/Pence						Proportional	
	Democratic			Republican						Electoral Votes	
State or District	Votes	%	EV	Votes	%	EV	Votes Discarded	Votes Discarded %	EV	Biden	Trump
Alabama	849,624	36.57%	–	1,441,170	62.03%	9	882,112	38.0%	9	3.3	5.7
Alaska	153,778	42.77%	–	189,951	52.83%	3	169,579	47.2%	3	1.3	1.7
Arizona*	1,672,143	49.36%	11	1,661,686	49.06%	–	1,715,183	50.6%	11	5.5	5.5
Arkansas	423,932	34.78%	–	760,647	62.40%	6	458,422	37.6%	6	2.1	3.9
California	11,110,639	63.48%	55	6,006,518	34.32%	–	6,390,741	36.5%	55	35.7	19.3
Colorado	1,804,352	55.40%	9	1,364,607	41.90%	–	1,452,628	44.6%	9	5.1	3.9
Connecticut	1,080,831	59.26%	7	714,717	39.19%	–	743,026	40.7%	7	4.2	2.8
Delaware	296,268	58.74%	3	200,603	39.77%	–	208,078	41.3%	3	1.8	1.2
D.C.	317,323	92.15%	3	18,586	5.40%	–	27,033	7.9%	3	2.8	0.2
Florida	5,297,045	47.86%	–	5,668,731	51.22%	29	5,398,725	48.8%	29	14.0	15.0
Georgia	2,473,633	49.47%	16	2,461,854	49.24%	–	2,526,327	50.5%	16	8.0	8.0
Hawaii	366,130	63.73%	4	196,864	34.27%	–	208,339	36.3%	4	2.6	1.4
Idaho	287,021	33.07%	–	554,119	63.84%	4	313,815	36.2%	4	1.4	2.6
Illinois	3,471,915	57.54%	20	2,446,891	40.55%	–	2,561,829	42.5%	20	11.7	8.3
Indiana	1,242,498	40.96%	–	1,729,857	57.03%	11	1,303,353	43.0%	11	4.6	6.4
Iowa	759,061	44.89%	–	897,672	53.09%	6	793,199	46.9%	6	2.7	3.3
Kansas	570,323	41.51%	–	771,406	56.14%	6	602,580	43.9%	6	2.6	3.4
Kentucky	772,474	36.15%	–	1,326,646	62.09%	8	810,122	37.9%	8	2.9	5.1
Louisiana	856,034	39.85%	–	1,255,776	58.46%	8	892,286	41.5%	8	3.2	4.8
Maine†	435,072	53.09%	2	360,737	44.02%	–	384,389	46.9%	2	1.1	0.9
Maine-1	266,376	60.11%	1	164,045	37.02%	–	176,736	39.9%	1	0.6	0.4
Maine-2	168,696	44.82%	–	196,692	52.26%	1	179,657	47.7%	1	0.5	0.5
Maryland	1,985,023	65.36%	10	976,414	32.15%	–	1,052,007	34.6%	10	6.7	3.3
Massachusetts	2,382,202	65.60%	11	1,167,202	32.14%	–	1,249,200	34.4%	11	7.4	3.6
Michigan	2,804,040	50.62%	16	2,649,852	47.84%	–	2,735,262	49.4%	16	8.2	7.8
Minnesota	1,717,077	52.40%	10	1,484,065	45.28%	–	1,560,094	47.6%	10	5.4	4.6
Mississippi	539,398	41.06%	–	756,764	57.60%	6	556,995	42.4%	6	2.5	3.5
Missouri	1,253,014	41.41%	–	1,718,736	56.80%	10	1,307,226	43.2%	10	4.2	5.8
Montana	244,786	40.55%	–	343,602	56.92%	3	260,072	43.1%	3	1.2	1.8
Nebraska†	374,583	39.17%	–	556,846	58.22%	2	399,537	41.8%	2	0.8	1.2
Nebraska-1	132,261	41.09%	–	180,290	56.01%	1	141,596	44.0%	1	0.4	0.6
Nebraska-2	176,468	51.95%	1	154,377	45.45%	–	163,198	48.0%	1	0.5	0.5
Nebraska-3	65,854	22.34%	–	222,179	75.36%	1	72,652	24.6%	1	0.2	0.8
Nevada	703,486	50.06%	6	669,890	47.67%	–	701,890	49.9%	6	3.1	2.9
New	424,937	52.71%	4	365,660	45.36%	–	381,268	47.3%	4	2.1	1.9
New Jersey	2,608,400	57.33%	14	1,883,313	41.40%	–	1,941,057	42.7%	14	8.1	5.9
New Mexico	501,614	54.29%	5	401,894	43.50%	–	422,351	45.7%	5	2.8	2.2
New York	5,244,886	60.87%	29	3,251,997	37.74%	–	3,371,975	39.1%	29	17.9	11.1
North Carolina	2,684,292	48.59%	–	2,758,775	49.93%	15	2,766,029	50.1%	15	7.4	7.6
North Dakota	115,042	31.78%	–	235,751	65.12%	3	126,273	34.9%	3	1.0	2.0
Ohio	2,679,165	45.24%	–	3,154,834	53.27%	18	2,767,368	46.7%	18	8.3	9.7
Oklahoma	503,890	32.29%	–	1,020,280	65.37%	7	540,419	34.6%	7	2.3	4.7
Oregon	1,340,383	56.45%	7	958,448	40.37%	–	1,033,938	43.5%	7	4.1	2.9
Pennsylvania	3,458,229	50.02%	20	3,377,674	48.69%	–	3,478,747	50.1%	20	10.1	9.9
Rhode Island	307,486	59.39%	4	199,922	38.61%	–	210,271	40.6%	4	2.4	1.6
South	1,091,541	43.43%	–	1,385,103	55.11%	9	1,128,226	44.9%	9	4.0	5.0
South Dakota	150,471	35.61%	–	261,043	61.77%	3	161,566	38.2%	3	1.1	1.9
Tennessee	1,143,711	37.45%	–	1,852,475	60.66%	11	1,201,376	39.3%	11	4.2	6.8
Texas	5,259,126	46.48%	–	5,890,347	52.06%	38	5,424,709	47.9%	38	17.9	20.1
Utah	560,282	37.65%	–	865,140	58.13%	6	623,149	41.9%	6	2.4	3.6
Vermont	242,820	66.09%	3	112,704	30.67%	–	124,608	33.9%	3	2.0	1.0
Virginia	2,413,568	54.11%	13	1,962,430	44.00%	–	2,046,956	45.9%	13	7.2	5.8
Washington	2,369,612	57.97%	12	1,584,651	38.77%	–	1,718,019	42.0%	12	7.2	4.8
West Virginia	235,984	29.69%	–	545,382	68.62%	5	249,349	31.4%	5	1.5	3.5
Wisconsin	1,630,866	49.45%	10	1,610,184	48.82%	–	1,667,175	50.6%	10	5.0	5.0
Wyoming	73,491	26.55%	–	193,559	69.94%	3	83,206	30.1%	3	0.8	2.2
Total	81,283,501	51.31%	306	74,223,975	46.85%	232	77,146,130	48.7%	538	281.2	256.8
	Biden/Harris			Trump/Pence			Votes Discarded	Votes Discarded %	EV	Biden	Trump